S.B. Civil Writ Petition No. 5801/2004.

Date: 14.2.2005.

Hon'ble Mr. R.P. Vyas, J.

Mrs. Pratishta Dave for the petitioner.
Mr. Rameshwar Dave, Dy. Govt. Advocate.
Mr. Vijay Purohit for the respondent No.3.

By this writ petition, the petitioner has challenged the order dated 09.11.2004 passed by the Rajasthan Civil Service Appellate Tribunal, wherein the petitioner challenged her transfer order dated 28.8.2004.

The grievance raised by the petitioner in the instant petition is that she is suffering from cancer and is regularly taking the advise of the specialist, but by virtue of the impugned order of the transfer, she has been posted at far place, where she could not get the medical assistance at the transferred place.

It is admitted position on record that the petitioner is suffering from cancer which revealed from Annex. 4 and 5. The matter has been decided by the Tribunal on the ground that the petitioner has no case and the order has been

passed in administrative exigency and not based on the mala fide intention. She was transferred after posting of two years from the place to the place of transfer, therefore, no interference was called by the learned Tribunal and the appeal of the petitioner was dismissed by the Tribunal.

Be that as it may, learned counsel for the petitioner requests that the petitioner has already submitted a representation dated 02.09.2004, but the same has not been taken into consideration sympathetically, by the concerned authorities. If this representation is taken into consideration sympathetically, her grievances can be redressed.

Learned counsel appearing for the respondents as well as private respondent has not controverted this fact of deciding the representation of the petitioner, if it is sympathetically taken to be considered by the respondents.

As per circumstance exist on record and looking to the ailment of the petitioner, who is

suffering from cancer, in the interest of justice, I deem it just and appropriate that the representation dated 02.9.2004, made by the petitioner, or if any fresh representation is made by the petitioner within 15 days from the date of this order, to the concerned and competent authorities, the same shall be taken into consideration sympathetically by the respondent authorities, keeping in view the facts exist on record and decide the matter within a period of one months, while affording an opportunity of hearing to the petitioner and pass a reasoned and speaking order.

The decision dated 09.11.2004 rendered by the Tribunal shall not come in the way of the respondent authorities while passing the order on the representation submitted by the petitioner.

With the aforesaid observations and directions, the writ petition stands disposed of.

(R.P. VYAS)J.

Anil